

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF HAYCOCK, BUCKS COUNTY, PENNSYLVANIA, WHICH AMENDS ARTICLE IV, SECTIONS 404 AND 405, AND ARTICLE XI, SECTION 1108 OF THE HAYCOCK TOWNSHIP ZONING ORDINANCE OF 1975 AS AMENDED SEPTEMBER 26, 1994, TO ESTABLISH STANDARDS AND REGULATIONS FOR WIND ENERGY SYSTEMS WITHIN THE TOWNSHIP.

WHEREAS, Section 1516 (53 P.S. Section 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Haycock Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, the Board of Supervisors on or about September 26, 1994, duly adopted Ordinance No. 71, revising and restating the Haycock Zoning Ordinance as adopted in 1975;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. Section 66601);

WHEREAS, since its adoption, the Zoning Ordinance has from time to time been amended;

WHEREAS, the Board of Supervisors finds it is in the interest of the Township and its citizens to amend the Zoning Ordinance to make provisions for the establishment of standards and regulations for wind energy systems within the Township;

WHEREAS, the Board of Supervisors finds and determines that this Zoning Ordinance Amendment is consistent with the Township Comprehensive Plan and the Community Development Objective stated therein and in the Zoning Ordinance.

NOW THEREFORE, in consideration of the forgoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Haycock Township, Bucks County, Pennsylvania, as follows:

SECTION 1: Article IV, Section 403, Table of Use Regulations is hereby amended by adding Use H18, Wind Energy System, which is permitted by right in all zoning districts, as follows:

	R P	R A	R D	F C	VC- 1	SR C	SR L	SR M	SR H	VC- 2	UR L	P C	CC	S C	PI	EX T
H18 Wind Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

SECTION 2: Article IV, Section 404 of the Zoning Ordinance is hereby amended to add Use H18, Wind Energy System:

H18 Wind Energy System

A device, which includes a structure and associated mechanism(s) and supporting components, which is installed above ground for the purpose of generating electrical energy, and may include, but not be limited to, wind driven turbines, and wind mills.

- a. Such use shall be accessory to Use B1, Single Family Detached Dwelling, only.
- b. Minimum lot area: two (2) acres.
- c. Wind energy system shall be located no less than 100 feet (or 1.1 times the height of the device, whichever is greater) from a side or rear property line, no less than 100 feet (or 1.1 times the height of the device, whichever is greater) from overhead utility lines, and no less than 100 feet (or 1.1 times the height of the device, whichever is greater) from a street line. A device may be located within the front yard, provided that it is located to the side of the dwelling.
- d. There shall be a maximum of one device on a single parcel, or multiple parcels in same ownership, and shall not exceed that which will produce 10 KW of output, as determined by the public utility providing electric service to Haycock Township.
- e. Maximum height of the structure, including all moving and rotating parts, shall be 72 feet, measured from the undisturbed ground elevation at the base of the device, to the highest point of the arc of the blade, or to the top of the tower, whichever is greater. If a device is attached to an existing structure, then the maximum height of the attached wind energy device shall not exceed 72 feet, including the height of the existing structure. Exceptions to building height, as specified in Section 529, do not apply to wind energy systems.
- f. Minimum distance between the undisturbed ground at the base of the device and any protruding blade shall be 15 feet, as measured at the lowest point of arc of the blades.
- g. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The tower shall not provide steps or a ladder readily accessible to the public for a minimum height of 8 feet above the ground surface.
- h. Operation of a device shall comply with nuisance standards of Article V of the Zoning Ordinance.
- i. No artificial lighting (unless required by the Federal Aviation Administration), signage, or any forms of advertising shall be utilized or attached to the wind energy system.
- j. Design and location of a wind energy system shall consider, to the greatest extent possible, the aesthetics of the surrounding environment. In no case shall a device be attached to a structure listed on the Registry of Historic Structures. Township may require submission of illustrations and photos depicting the color, size, shape, and architectural features of the proposed device; and submission of color photographs of the proposed tower location taken from view of all adjoining properties and roads. All utility lines, including electrical wires other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be installed underground in accordance with the prevailing standards of the servicing utility company.
- k. Any wind energy system that is defective, or has been abandoned, that is deemed to be unsafe by the Township Building Code Official shall be required to be repaired by the owner to meet federal, state, and local safety standards, or be removed by the property owner within six months of written notification from the Township. If the owner fails to remove or repair the defective or abandoned wind energy system, the Township may pursue a legal action to have the system removed at the owner's expense.

- l. A plot plan of the parcel on which the facility will be located shall be submitted, which identifies property lines, lot area, location of existing natural and manmade features, location of the proposed wind energy device, ownership information for adjoining properties, and setback measurements from property and street lines.
- m. A wind energy system, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code. Prior to issuance of a building/zoning permit for installation of the device, applicant must submit to the Township all documentation required by the Township Building Code Official to verify that the design of the device complies with the Pennsylvania Uniform Construction Code (UCC), including, but not limited to, documentation of the structural integrity of the foundation, base, tower, and all appurtenant structures; and electrical design. Design information must be certified by a licensed professional engineer in the Commonwealth of Pennsylvania, and/or equipment manufacturer.

SECTION 3: Partial Repealer

All other provisions of the Zoning Ordinance, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Zoning Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

SECTION 4: Savings Clause

In event any portion of this Ordinance is determined by a Court of Jurisdiction to be unconstitutional or unenforceable, it should not affect any of the other provisions of this Ordinance or of the Zoning Ordinance. All other provisions of the Zoning Ordinance and this Ordinance shall remain in full force and effect.

SECTION 5: Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this _____ day of _____, 2008.

BOARD OF SUPERVISORS

Kathleen M. Babb, Chairwoman

Michael Lennard, Vice Chairman

Henry DePue, Member

ATTEST:

Nancy M. Yodis, Township Secretary/Treasurer

